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Nigel Richardson

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EXAMINER

DANIELS, ANTHONY J

ART UNIT

PAPER NUMBER

2622

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DELIVERY MODE

12/04/2009

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/584,748

**Applicant(s)**

RICHARDSON ET AL.

**Examiner**

ANTHONY J. DANIELS

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

#### ***Response to Amendment***

1. The amendment, filed 12/3/2009, has been entered and made of record. Claims 1-18 and 20-22 are pending in the application.

#### ***Response to Arguments***

1. Applicant's arguments with respect to the independent claims and the cited references have been considered but are moot in view of the new ground(s) of rejection. However, Applicant argues in regard to Bronson, "One of ordinary skill in the art would appreciate that the word "communication" recited in claim 1 relates to the mobile station and that the mobile station is able to communicate with other mobile stations." The examiner agrees that one of ordinary skill in the art may appreciate that the word "communication" relates to mobile to mobile communication. However, the specification is replete with mention of keys and input operators on the station that inherently rely on communication between intra-station components to perform the assigned functions. In light of this, the examiner submits that both types of communication (intra-station component and mobile to mobile) are present in the mobile communication station of the present invention. Accordingly, one of ordinary skill in the art would recognize that either interpretation is reasonable in light of the disclosure of the specification.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "the axis of rotation" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 9 is dependent on claim 8 which recites an axis of rotation. Claim 8 is dependent upon claim 1 which recites multiple axes of rotation. It is unclear in claim 9 which axis which rotation Applicant is referring. For the purposes of art rejection, the examiner will interpret the axis of rotation in claim 9 as the axis of rotation of one of the portions in lines 3 and 4 of claim 1.

### ***Claim Objections***

1. Claim 14 is objected to because of the following informalities: Claim 14 fails to recite upon which claim it is dependent. In the previous submission of the claims, claim 14 is dependent upon claim 1. The examiner will interpret the claim as such for the purposes of art rejection. Appropriate correction is required.

2. Claim 21 is objected to because of the following informalities: Claim 21 is dependent upon cancelled claim 19. Since the limitations of claim 19 have been included in claim 1, the examiner will interpret claim 21 as dependent upon claim 1 for the purposes of art rejection. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-6,8-11,14-18,20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Knighton et al. (US # 7,359,003).

As to claim 1, Knighton et al. teaches a mobile communication station (Figure 1 and Figure 9; Col. 5, Lines 22-55; *{The examiner submits that the processor “900” of Figure 9 of Knighton et al. communicates with other components of the device; therefore, making the apparatus of Knighton et al. a communication station. See arguments above.}*) including a camera (Figure 9, ISA “908”) and having a body (Figure 1, lens housing “118”, display assembly “104”, grip “102” and breech “130” together are the housing) that is relatively elongate about a first axis (Figure 1; *{The examiner interprets the first axis as an axis that is tangential to the lens housing in a direction parallel to the direction that the camera points. See attached marked up copy of Figure 1.}*), the body comprising two portions (Figure 1, display assembly (first portion) “104” and grip and breech (second portion) “102” and “103”) which are mechanically coupled to each other by a linkage (Figure 1, lens housing “118”) that permits rotation of one of the portions (Figure 4 display assembly “104”) relative to the other (Figures 6A and 6C) about an axis substantially parallel to said first axis (Figure 1 and Figure 7, axis of rotation of the display

assembly “706”) and prevents rotation of each portion relative to the other about other axes (Figures 6A-6D; *{See attached marked up copy of Figure 1 }*), one of said portions having a grip for being gripped by a user during use of the communication station (Figure 1, grip and breech “102” and “130”), the grip having a first compact configuration (Figure 6C) and a second configuration in which the grip is expanded relative to the first configuration (Figure 6D) to improve the grip of the user on the communication station when the grip is in the second expanded configuration (Col. 2, Lines 15-17 and Lines 25 and 26).

As to claim 2, Knighton et al. teaches a mobile communication station as claimed in claim 1, wherein the communication station has other of said portions is a body portion (Figure 1, lens housing “118”) to which the grip is attached and with respect to which the grip is movable (Figures 6C and 6D).

As to claim 3, Knighton et al. teaches a mobile communication station as claimed in claim 2, wherein the body portion houses operational components of the communication station (Figure 1, lens “106”).

As to claim 4, Knighton et al. teaches a mobile communication station as claimed in claim 3, wherein the body portion includes the camera (Figure 8a, ISA “830”).

As to claim 5, Knighton et al. teaches a mobile communication station as claimed in claim 3, wherein user input and/or output components of the communication station are exposed on the surface of the body portion (Figure 1, lens “118”).

As to claim 6, Knighton et al. teaches a mobile communication station as claimed in claim 2, wherein the grip is rotatable relative to the body portion (Figures 6C and 6D).

As to claim 8, Knighton et al. teaches a mobile communication station as claimed in claim 4, wherein the grip is rotatable relative to the body portion about an axis substantially perpendicular to the direction in which the camera points, so as to project from the body portion (Figures 6C and 6D).

As to claim 9, Knighton et al. teaches a mobile communication station as claimed in claim 8, wherein in at least one rotational position the grip extends continuously from the body in the direction of the axis of rotation (Figures 6C and 6D).

As to claim 10, Knighton et al. teaches a mobile communication station as claimed in claim 2, wherein the grip is slidable relative to the body portion (Figure 6D).

As to claim 11, Knighton et al. teaches a mobile communication station as claimed in claim 1, wherein the grip has a core portion (Figure 1, breech "130") and at least one outer wall (Figure 1, outer wall of grip "102") movable away from the core portion (Figures 6C and 6D), and wherein in moving from the first compact configuration to the second expanded configuration the or each wall is moved away from the core portion (Figures 6C and 6D).

As to claim 14, Knighton et al. teaches a mobile communication station as claimed in claim 1\*, wherein user input and/or output components of the communication station are exposed on the surface of the grip (Figure 2, pointer button "208").

As to claim 15, Knighton et al. teaches a mobile communication station as claimed in claim 14, wherein the grip portion is movable relative to the direction in which the camera points so as to be capable of adopting a position in which the user input and/or output components of the communication station are exposed on the surface of the grip face in substantially the opposite direction to that in which the camera points (Figures 2, 6C and 6D).

As to claim **16**, Knighton et al. teaches a mobile communication station as claimed in claim 1, wherein changing the configuration of the grip from the first compact configuration to the second expanded configuration makes available an additional user interface for controlling the operation of the mobile communication station (Col. 3, Lines 56-65).

As to claim **17**, Knighton et al. teaches a mobile communication station as claimed in claim 1, wherein the grip houses operational components of the mobile communication station (Col. 2, Lines 26-28).

As to claim **18**, Knighton et al. teaches a mobile communication station as claimed in claim 17, wherein the grip is electrically connected to the main body of the mobile communication station (Col. 2, Lines 26-28 and Col. 3, Lines 44-48).

As to claim **20**, Knighton et al. teaches a mobile communication station as claimed in claim 1, wherein one of the portions includes a camera (Figure 8a, ISA "830" of lens housing "118").

As to claim **21**, Knighton et al. teaches a mobile communication station as claimed in claim 1\*, wherein the other of the portions includes a display (Figure 8a, display elements "206").

### ***Claim Rejections - 35 USC § 103***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knighton et al. (US # 7,359,003) in view of Isahi (US # 5,719,799).

As to claim 7, Knighton et al. teaches a mobile communication station as claimed in claim 4. The claim differs from Knighton et al. in that it further requires that the grip be rotatable relative to the body portion about an axis substantially parallel to the direction in which the camera points, so as to project from the body portion.

In the same field of endeavor, Isahi teaches a portable information processing apparatus (Figure 1A) including a hinge member housing a lens system and a CCD (Col. 15, Lines 37-40). A gripping portion (Figure 1A, keyboard "4a") and LCD unit (Figure 1A, LCD unit "2") are coupled together via the hinge member such that gripping portion can be rotated about an axis substantially parallel to the direction in which the lens system and CCD point (Figures 8A-8D). In light of the teaching of Isahi, it would have been obvious to one of ordinary skill in the art to include the ability to rotate the grip and breech about the optical axis of the lens housing in Knighton et al., because this would provide an added orientation which may serve more comfortable than the two orientations disclosed in Knighton et al.

2. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knighton et al. (US # 7,359,003) in view of Anderson et al. (US # 6,636,259).

As to claim **12**, Knighton et al. teaches a mobile communication station as claimed in claim 1. The claim differs from Knighton et al. in that it further requires that the mobile communication station is capable of operating as a mobile telephone.

In the same field of endeavor, Anderson et al. teaches a digital camera that has a built in cellular phone (Col. 4, Lines 47-54). In light of the teaching of Anderson et al., it would have been obvious to one of ordinary skill in the art to include the cellular phone in the device of Knighton et al., because this would allow the user to transmit images without having to upload them first to a PC.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knighton et al. (US # 7,359,003) in view of Anderson et al. and further in view of Knighton et al. (US # 7,359,003) – different embodiment.

As to claim **13**, Knighton et al. teaches a mobile communication station as claimed in claim 12. The claim differs from Knighton et al. in that it further requires that the mobile communication station is capable of sensing relative motion of at least a part of the grip portion and another part of the mobile communication station, and in response switching from a first operating mode to a second operating mode.

In a different embodiment, Knighton et al. discloses a visor that may be closed and re-opened in order to transition from an inactive state to an active state (Col. 6, Lines 37-42). In

light of the teaching of Knighton et al., it would have been obvious to one of ordinary skill in the art to include the ability in Knighton et al.'s first embodiment to activate the display of the display assembly by cycling the grip from the stowed to deployed orientation, because this would allow the device to know when to operate in the active state as well as saving power when no event has occurred (see Knighton et al., Col. 6, Lines 37-42).

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knighton et al. (US # 7,359,003).

As to claim 22, Knighton et al. teaches a mobile communication station as claimed in claim 1. Although it is not stated explicitly in Knighton et al., the examiner takes **Official Notice** that concept of compressing an image (i.e. editing) before being stored on a memory card is well known and expected in the art. One of ordinary skill in the art would have been motivated to include the function of compressing images before storage on the memory card in Knighton et al. (Figure 7, memory card "702"), because this would allow a user to maximize the amount of images stored on the memory card by minimizing space.

### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. DANIELS whose telephone number is (571)272-7362. The examiner can normally be reached on 8:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Sinh Tran/  
Supervisory Patent Examiner, Art Unit 2622